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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 JEFFREY D. LAND,

No. CIV-S-01-1411 MCE/PAN P

12 Petitioner,

13 v.

ORDER

14 CHERYL PLILER,

15 Respondent.  
16 \_\_\_\_\_/

17 Petitioner, a state prisoner proceeding pro se, has timely  
18 filed a notice of appeal of this court's April 13, 2005, denial  
19 of his application for a writ of habeas corpus. Before  
20 petitioner can appeal this decision, a certificate of  
21 appealability must issue. 28 U.S.C. § 2253(c); Fed. R. App. P.  
22 22(b).

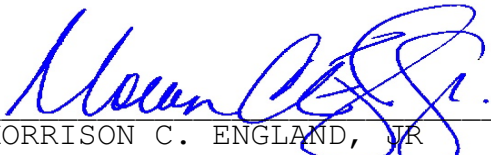
23 A certificate of appealability may issue under 28 U.S.C.  
24 § 2253 "only if the applicant has made a substantial showing of  
25 the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).  
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1 The court must either issue a certificate of appealability  
2 indicating which issues satisfy the required showing or must  
3 state the reasons why such a certificate should not issue. Fed.  
4 R. App. P. 22(b).

5 For the reasons set forth in the magistrate judge's February  
6 10, 2005, findings and recommendations, petitioner has not made a  
7 substantial showing of the denial of a constitutional right.  
8 Accordingly, a certificate of appealability should not issue in  
9 this action.

10 IT IS SO ORDERED.

11 Dated: May 16, 2005

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14 MORRISON C. ENGLAND, JR.  
15 UNITED STATES DISTRICT JUDGE  
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